

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIE BARSCH,

Plaintiff,

-against-

PREVISE, LLC et al.,

Defendants.

22-CV-9913 (JGLC) (GWG)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

JESSICA G. L. CLARKE, United States District Judge:

On June 13, 2023, the Court granted a default judgment to Plaintiff on the issue of liability and referred this case to Magistrate Judge Gorenstein for an inquest on the issue of damages. *See* ECF Nos. 30, 31. In a Report and Recommendation filed on January 8, 2024, Magistrate Judge Gorenstein recommended Plaintiff be awarded a judgment of \$30,000.00 in damages plus \$672.00 in costs. *See* Docket No. 38.

In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district court “must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). To accept those portions of the report to which no timely objection has been made, however, a district court need only satisfy itself that there is no clear error on the face of the record. *See, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003). This clearly erroneous standard also applies when a party makes only conclusory or general objections, or simply reiterates his original arguments. *See, e.g., Ortiz v. Barkley*, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008).

In the present case, the Report and Recommendation advised the parties that they had fourteen days from service of the Report and Recommendation to file any objections and warned

that failure to timely file such objections would result in waiver of any right to object. *See* ECF No. 38. In addition, the Report and Recommendation expressly called Defendants' attention to Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). Nevertheless, as of the date of this Order, no objections have been filed and no request for an extension of time to object has been made. Accordingly, Defendants have waived the right to object to the Report and Recommendation or to obtain appellate review. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); *see also Caidor v. Onondaga County*, 517 F.3d 601 (2d Cir. 2008).

Despite the waiver, the Court has reviewed the motion and the Report and Recommendation, unguided by objections, and finds the Report and Recommendation to be well reasoned and grounded in fact and law. Accordingly, the Report and Recommendation is ADOPTED in its entirety. For the foregoing reasons, judgment is entered against Previs, LLC and SelfMadeMe, Inc. in the amount of \$30,672.00.

The Clerk of Court is directed to close the case.

SO ORDERED.

Dated: February 21, 2024
New York, New York



JESSICA G. L. CLARKE
United States District Judge